THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.28953, 28961, 28962, 28964, 28969, 28974, 28975, 28976, 28981, 28993, 28995, 29007, 29014, 29023, 29024, 29044, 29052, 29053, 29064, 29065, 29075 AND 29080 OF 2015

COMMON ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

In this batch of cases, each petitioner questions the orders of resumption, dated 28.07.2015, passed by the Tahsildar, Vinjamur Mandal, SPSR Nellore District, the 4th respondent, on the ground that there is violation of Section 32 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

On 08.09.2015, when these matters have come up for admission, this Court, while issuing notice before admission, granted *status quo* obtaining as on that day in all respects to be maintained. After notice to learned Government Pleader for Revenue, these matters have come up today.

Learned Government Pleader for Revenue has received instructions.

The impugned orders in each of these cases state that notices issued in Form-I giving 15 days time to represent their cases could not be served on any of the assignees/petitioners as they are not residing in the village. Hence, no explanation was received from them. Consequently, the resumption orders were passed.

Learned counsel for the petitioners asserts that all the petitioners are residing in the same village and are cultivating the

lands and their addresses are shown in the cause title in each Writ Petition.

Apparently, the impugned orders of resumption are passed without notice to the petitioners and as such the same cannot be sustained and are accordingly set aside. These matters are remitted to the 4th respondent for issuance fresh notice to each of the petitioner by Registered Post with Acknowledgement Due at the addresses as shown in the cause title in each Writ Petition and thereafter explanation, if any, submitted by the petitioners be considered and then appropriate orders be passed in accordance with law.

These Writ Petitions are, accordingly, allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

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VILAS V.AFZULPURKAR, J

16.09.2015
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